

Title 16, Division 4. Board of Chiropractic Examiners

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter "board") is proposing to amend regulations described in the Information Digest below. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at the hearing to be held:

Department of Consumer Affairs
Hearing Room, 1st Floor
1625 North Market Blvd.,
Sacramento, CA 95834

Date: June 9, 2008
Time: 10 am

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received in the board's office no later than 5:00 p.m. on June 9, 2008, or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 125.9, 1000-4(b), and 1000-10 of the Business and Professions Code; and the Chiropractic Initiative Act of California Stats. 1923. 1xxxviii., and to implement, interpret or make specific Sections 125.9, 1000 - 4 (b), and 1000-10, of said Code; the board is considering changes to Title 16, Division 4, of the California Code of Regulations as follows:

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Amend Sections 390, 390.3, 390.4, 390.5, 390.6, and repeal section 390.2:

The Chiropractic Initiative Act Section 1000 – 4(b) authorizes the board to adopt as they may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public.

Business and Professions Code Section 125.9 authorizes the board created by the Chiropractic Initiative Act, to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine in an amount not to exceed \$5000.00 where the licensee is in violation of applicable laws and regulations.

This proposal authorizes the assessment of fines in the range of not less than \$100 or more than \$5,000 for any violations of any laws or regulations governing the practice

of chiropractic. Further, this proposal would repeal section 390.2, which currently allows the board to only issue citations specific to violations listed in this section. By repealing this section, it increases the board's ability to issue citations to licensees for all applicable laws and regulations, which increases consumer protection.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The board has determined that the proposed regulation will result in an increase in the board's fund, which is where the administrative fines would be deposited.

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact:

The board initially determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have any impact on creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impact on Representative Private Person or Business:

The cost impact would depend upon compliance with all applicable laws and regulations. For the vast majority of licensees who do not violate the law, the impact would be minimal.

However, to those who violate laws and regulations, the impact would be more significant.

Effect on Housing Costs: None

Effect on Small Business:

The board has determined that this regulatory proposal may have an effect on small businesses/licensees who fail to comply with the board's laws and regulations.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative that it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearings.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from

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AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the web site, **www.chiro.ca.gov**.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: April Alameda, Program Analyst
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Back-up Contact person:

Name: Brian Stiger, Executive Officer
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Web Site Address: Materials regarding this proposal can be found at www.chiro.ca.gov.